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MAY 16 2007

OFFICE OF PETITIONS

In re Application of :
Steven M. Golden et al :
Application No. 09/490,362 : ON PETITION
Filed: January 24, 2000 :
Attorney Docket No. 2166 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 15, 2007, to revive the above-identified application.

The petition is **GRANTED**.

As noted in the decision mailed March 2, 2006, this application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of June 29, 2006, by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated; see 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on August 30, 2006. See MPEP 1214.06.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the requirements for revival pursuant to the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely take appropriate action in a timely manner after the Board decision of June 29, 2006 is accepted as having been unintentionally delayed.

The terminal disclaimer filed on May 1, 2007 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

As authorized, the \$790 fee for the Request for Continued Examination will be charged to petitioner's deposit account.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. Inquiries concerning the status or examination of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3622 for processing the Request for Continued Examination filed March 15, 2007 and for appropriate action in the normal course of business on the submission under 37 CFR 1.114.

A handwritten signature in cursive script, appearing to read "Frances Hicks", is written over the printed name.

Frances Hicks
Petitions Examiner
Office of Petitions